

15 Am. Jur. 2d Civil Rights § 3

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Civil Rights

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II. Federal Constitutional Guarantees of Civil Rights

A. Federal Constitution

§ 3. Civil rights guaranteed by Federal Constitution, generally

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Civil Rights](#)  1003

The Federal Constitution contains various guarantees concerning civil rights. In addition to the Thirteenth and Fourteenth Amendments¹ the Fifth Amendment,² the Fifteenth Amendment,³ and the Commerce Clause found in [U.S. Const. Art. I, § 8, cl. 3](#),⁴ provide guarantees against certain types of discrimination. On the other hand, [Art. IV, § 2, cl. 1 of the United States Constitution](#), which provides that the citizens of each state will be entitled to all privileges and immunities of citizens in the several states, prevents a state from discriminating against citizens of other states in favor of its own, but does not create rights of citizens of the United States.⁵

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Footnotes

- ¹ §§ 4 to 11.
- ² [Schneider v. Rusk](#), 377 U.S. 163, 84 S. Ct. 1187, 12 L. Ed. 2d 218 (1964).
- ³ [Terry v. Adams](#), 345 U.S. 461, 73 S. Ct. 809, 97 L. Ed. 1152 (1953).
As to the effect of the Fifteenth Amendment on voting rights, see [Am. Jur. 2d, Elections § 102](#).
- ⁴ [Morgan v. Com. of Va.](#), 328 U.S. 373, 66 S. Ct. 1050, 90 L. Ed. 1317, 165 A.L.R. 574 (1946).
The Commerce Clause provided the basis for the Violence Against Women Act (VAWA), allowing for a private right of action for persons who were victims of domestic or gender-based violence. There was rational basis for congressional conclusion that domestic and gender-based violence substantially affected interstate commerce, as required to support the constitutionality of the VAWA under the Commerce Clause; there were studies showing that violence curtailed the earning power of women, and discouraged interstate travel by them. [Burgess v. Cahall](#), 88 F. Supp. 2d 319 (D. Del. 2000).
As to the Commerce Clause, generally, see [Am. Jur. 2d, Commerce §§ 1 to 10](#).

5 [Hague v. Committee for Indus. Organization](#), 307 U.S. 496, 59 S. Ct. 954, 83 L. Ed. 1423 (1939).
As to the Privileges and Immunities Clause of U.S. Const. Art. IV, § 2, cl. 1, generally, see [Am. Jur. 2d](#),
[Constitutional Law](#) §§ 783 to 816.

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